AO 108 (Rev. 06/09) Application for a Warrant to Seize Property Subject to Forfeiture

FILED
JAN 3 2017
CLERK, U.S. DISTRICT COURT
ALEXANDRIA, VIRGINIA

UNITED STATES DISTRICT COURT

for the

Eastern District of Virginia

In the Matter of the Seizure of
(Briefly describe the property to be seized)

All Funds in Capital One Bank Savings Account 36023569608 and Checking Account 36015953248, both are in the name of Robert Mason Wildes

Case No. 1:17-sw-1

APPLICATION FOR A WARRANT TO SEIZE PROPERTY SUBJECT TO FORFEITURE

I, a federal law enforcement officer or attorney for the government, request a seizure warrant and state under penalty of perjury that I have reason to believe that the following property in the Eastern District of Virginia is subject to forfeiture to the United States of America under 21 U.S.C. § 881(a)(6) *(describe the property)*:

All Funds in Capital One Bank Savings Account 36023569608 and Checking Account 36015953248, held in the name of Robert Mason Wildes.

The application is based on these facts:

See Attached Affidavit

☑ Continued on the attached sheet.

Reviewed by AUSA/SAUSA:

AUSA Carina A. Cuellar

[signature]
Applicant's signature

Kendrah Peterson, DEA Special Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: 01/03/2017

City and state: Alexandria, Virginia

[signature] /s/
Ivan D. Davis
United States Magistrate Judge

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ALEXANDRIA, VIRGINIA

IN THE UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF VIRGINIA

Alexandria Division

IN THE MATTER OF THE SEIZURE OF All Funds in Capital One Bank Savings Account 36023569608 and Checking Account 36015953248, both are in the name of Robert Mason Wildes	Case No. 1:17-sw-1

AFFIDAVIT IN SUPPORT OF
APPLICATION FOR SEIZURE WARRANT

I, Kendrah Peterson, being duly sworn, depose and state as follows:

INTRODUCTION

1. I am a Special Agent with the Drug Enforcement Administration ("DEA") and have been so employed since 2006. I am currently assigned to Enforcement Group Forty-Four at the Washington Division Office, located in the District of Columbia. Before that, I was employed for three years as an intelligence analyst at the Department of Treasury, Financial Crimes Enforcement.

2. While with the DEA, I have participated in the investigation of narcotics traffickers and possessors. Many of these investigations led to the arrest and conviction of narcotics dealers and money launderers. In the course of conducting these investigations, I have used several different kinds of investigative techniques, including: interviewing informants and cooperating sources; conducting physical surveillance; conducting short-term and long-term undercover operations, including reverse undercover operations; consensual monitoring and recording of both telephonic and non-telephonic communications; analyzing telephone pen register and caller identification data; conducting court-authorized electronic surveillance;

preparing and executing search warrants, which have led to substantial seizures of narcotics, firearms, contraband, and drug related assets from the personal residences of drug traffickers and elsewhere; and, the analysis of financial documents and records.

3. This affidavit is submitted in support of an application for the seizure of all funds in Capital One Bank Savings Account 36023569608 and Checking Account 36015953248, both are in the name of Robert Mason Wildes.

4. The facts and information contained in this affidavit are based upon my personal knowledge of the investigation and observations of other law enforcement officers involved in this investigation. All observations not personally made by me were relayed to me by the individuals who made them or are based on my review of reports, documents, and other physical evidence obtained during the course of this investigation.

5. This affidavit does not contain every fact known to me regarding this investigation, but rather contains information necessary to demonstrate probable cause to believe that ROBERT MASON WILDES ("WILDES") was engaged in a conspiracy to distribute methamphetamine, in violation of Title 21, United States Code, Sections 841(a)(1) and 846, and that WILDES or others deposited the proceeds of said conspiracy in Capital One Bank Savings Account 36023569608 and Checking Account 36015953248.

6. During the course of this investigation, law enforcement has used confidential sources (hereafter referred to as "CS-1" and "CS-2"). For the purpose of this affidavit, the cooperating sources will be referred to in the masculine gender regardless of their true gender. The cooperating sources have provided law enforcement with information that has proven to be

true and accurate in this and other drug investigations. CS-1, however, and as further detailed below, did take some of the controlled substances that he purchased, at the direction and supervision of law enforcement, from WILDES. I have no reason to doubt the veracity of the information provided by the cooperating sources. Further, the information provided by the cooperating sources has been independently corroborated by law enforcement through physical surveillance and the review of both business and phone records. The cooperation sources worked with law enforcement in hopes of receiving a possible sentence reduction on pending drug trafficking charges.

PROBABLE CAUSE

A. Background on the Investigation

7. Beginning in or around late-2015, law enforcement received information that WILDES and other individuals were involved in the distribution of crystal methamphetamine in the Eastern District of Virginia and elsewhere. More specifically, law enforcement received information indicating that WILDES was receiving large quantities of crystal methamphetamine from various sources of supply in Georgia and California. WILDES was then further distributing this crystal methamphetamine.

8. On or about July 2, 2016, law enforcement conducted a traffic stop of a suspect, who was found to be in possession of approximately 93 grams of suspected crystal methamphetamine and other controlled substances, along with $7,924. This suspect agreed to cooperate with law enforcement (hereinafter referred to as "CS-1"). CS-1 stated that he received the seized methamphetamine from WILDES.

B. Controlled Purchase of Methamphetamine from Robert Wildes on September 6, 2016

9. On or about September 6, 2016, at the direction and supervision of law enforcement, CS-1 arranged to purchase 6.5 ounces of crystal methamphetamine from WILDES for $5,000 at a location within the Eastern District of Virginia. Prior to, and following, the controlled purchase, CS-1 was searched for contraband with negative results. Law enforcement conducted surveillance of the arranged meeting location. During this surveillance, law enforcement observed WILDES drive to the meeting location. CS-1 was then observed entering WILDES' vehicle. WILDES then his vehicle to a local shopping center before returning CS-1 to his vehicle. According to CS-1, WILDES provided him with the methamphetamine in return for the $5,000 (pre-recorded evidence funds). This controlled purchase was recorded and I can confirm the recording corroborates CS-1's statements.

10. Law enforcement conducted a preliminary field-test, which resulted in a positive response for methamphetamine.

C. Observations of Robert Wildes Using Bank ATMs

11. On October 27, 2016, law enforcement established surveillance on WILDES. WILDES was observed driving and stopping briefly at various locations in Washington, D.C. Agents then observed WILDES driving to a Capital One Bank branch, located at 7501 Leesburg Pike, Falls Church, Virginia, within the Eastern District of Virginia. WILDES was observed using an ATM at the branch. WILDES was then followed to Navy Federal Credit Union, located at 820 Follin Lane SE, Vienna, Virginia, within the Eastern District of Virginia. Agents did not observe WILDES at this location, but they did observe WILDES driving to this location.

WILDES stayed at the Navy Federal Credit Union for approximately ten minutes. After leaving Navy Federal Credit Union, WILDES was then observed driving to his residence.

D. Controlled Purchase of Methamphetamine from Robert Wildes on October 28, 2016

12. On October 28, 2016, at the direction and supervision of law enforcement, CS-1 arranged to purchase eight (8) ounces of crystal methamphetamine from WILDES for $6,000. WILDES directed CS-1 to meet him at WILDES' residence in Dunn Loring, Virginia (Fairfax County), which is located within the Eastern District of Virginia, to conduct the transaction. Prior to and following the controlled purchase, CS-1 was searched for contraband with negative results.

13. Law enforcement conducted surveillance of the arranged meeting location. CS-1 was observed arriving at WILDES' residence. According to CS-1, WILDES reached into his blue pickup truck and retrieved a box containing eight (8) ounces of suspected methamphetamine and a bottle of gamma-Butyrolactone ("GBL"). CS-1 provided WILDES with the $6,000 (pre-recorded evidence funds), in exchange for the methamphetamine and GBL. This controlled purchase was recorded and I can confirm the recording corroborates CS-1's statements.

14. Law enforcement conducted a preliminary field-test, which resulted in a positive response for methamphetamine.

15. On November 1, 2016, special agents reviewed video footage of CS-1 in his vehicle after the meeting with WILDES. A review of the video revealed CS-1 opened and removed the seal on the bottle of GBL that WILDES had provided to CS-1. CS-1 obstructed the camera with his cell phone and moved the camera; as a result, the video does not capture CS-1's

actions. The video, however, captured CS-1 retrieving a bottle from the rear of the vehicle and the audio captures a liquid being poured. CS-1 is also captured placing the bottle of GBL back into the passenger's seat. After reviewing this video, law enforcement only used CS-1 to contact WILDES via telephone.

E. Text Messages Between Robert Wildes and CS-1 in November of 2016

16. On November 9, 2016, CS-1 contacted law enforcement and advised that WILDES reached out to CS-1 via text message to "touch base."

17. On December 1, 2016, CS-1 contacted law enforcement and advised that WILDES told CS-1 via text message that he is able to provide CS-1 with approximately one pound of crystal methamphetamine.

F. Historical Information Provided by CS-2

18. In September of 2016, in Arlington County, Virginia, within the Eastern District of Virginia, law enforcement conducted a traffic stop of a subject, who was found to be in possession of a quantity of suspected crystal methamphetamine. This subject agreed to cooperate with law enforcement (hereafter referred as "CS-2"). CS-2 identified WILDES as one of his sources of supply for crystal methamphetamine.

19. CS-2 stated that he met WILDES in early 2016. Shortly after meeting WILDES, CS-2 began to purchase ½ ounce (14 grams) quantities of crystal methamphetamine from WILDES for $700. He stated that he purchased a ½ ounce on approximately four to five occasions and then progressed to purchasing one (1) ounce quantities from WILDES. CS-2 purchased one (1) ounce quantities from WILDES on approximately ten (10) occasions, usually meeting WILDES in Tyson's Corner, Virginia, which is located within the Eastern District of

Virginia. CS-2 paid $1,400 per ounce.

G. Traffic Stop and Arrest of Robert Wildes and Search of Residence on December 6, 2016

20. On December 6, 2016, law enforcement conducted a traffic stop of WILDES for a traffic violation in Fairfax County, Virginia, within the Eastern District of Virginia. During the stop, a law enforcement K-9, trained and certified in the detection of controlled substances including methamphetamine, "alerted" for the presence of controlled substance(s) in WILDES vehicle. Law enforcement then conducted a search of the vehicle and recovered approximately five (5) pounds of suspected crystal methamphetamine and more than $19,000. Law enforcement conducted a preliminary field-test of the suspected methamphetamine, which resulted in a positive response for methamphetamine. WILDES was arrested based on probable cause, and I subsequently swore out a criminal complaint charging WILDES with conspiracy to distribute and possess with intent to distribute five-hundred (500) grams or more of a mixture and substance containing a detectable amount of methamphetamine, its salts, isomers or salts of its isomers, a Schedule II controlled substance, before The Honorable Ivan D. Davis, U.S. Magistrate Judge for the Eastern District of Virginia.

21. On December 6, 2016, law enforcement obtained a search warrant from The Honorable Ivan D. Davis for WILDES' residence in Dunn Loring, Virginia. During the search, law enforcement, seized an additional pound of suspected crystal methamphetamine. Law enforcement also identified a money counter, hundreds of small plastic packaging materials, numerous small and large empty glass bottles (similar to the bottle containing GBL that WILDES provided to CS-1 in October), paraphernalia, glass smoking devices, fake identification

cards, false bottom containers, digital scales, and bank deposit slips identifying cash deposits. Law enforcement conducted a preliminary field-test of the suspected methamphetamine, which resulted in a positive response for methamphetamine.

H. Robert Wildes Bank Account Information

22. In December 2016, law enforcement sought and obtained a warrant to seize property subject to forfeiture from The Honorable Ivan D. Davis for WILDES banking accounts with Navy Federal Credit Union and Capital One. Based on these search and seizure warrants, law enforcement obtained more than $7,950 from WILDES Navy Federal Credit Union and Capital One checking accounts.

23. After obtaining these warrants, law enforcement learned that WILDES also had a savings account with Capital One.

24. During the week of December 26, 2016, an unknown person transferred more than $800 out of WILDES Capital One savings account: 36023569608. The balance of WILDES' savings account during the week of December 19, 2016 was more than $1,000. As of December 29, 2016, WILDES Capital One savings account balance is $157.96. Additionally, law enforcement previously seized all the funds from WILDES Capital One Checking Account 36015953248; however, during the week of December 26, 2016; an unknown person transferred $50 from WILDES Capital One Savings Account (36023569608) to the Capital One Checking Account (36015953248).

25. Further review of accounts owned by WILDES, show that he has deposited more than $160,000 in cash deposits in bank accounts between January 2016 to August 2016.

26. Moreover, in the past three months' law enforcement received records indicating

that WILDES spent approximately $20,000 staying in hotels located in the District of Columbia.

27. Law enforcement officers obtained records from the Virginia Employment Commission, which indicate that WILDES has no reported wages or earnings in the State of Virginia since the fourth quarter of 2014 to the present (2016). In the fourth quarter of 2014, WILDES earned approximately $4,250. WILDES has no other known sources of income from employment, inheritance, or other sources.

I. Robert Wildes' Actions While Incarcerated at Alexandria Adult Detention Center Directing Others to Transfer Money from his Navy Federal Credit Union Accounts

28. On December 7, 2016, law enforcement learned that shortly after WILDES was arrested that the money in his Navy Federal Credit Union Accounts was transferred to other accounts at Navy Federal Credit Union. Based on this and other information, law enforcement interviewed an employee at Navy Federal Credit Union.

29. The employee stated that WILDES, while incarcerated at the Alexandria Adult Detention Center, asked the employee to transfer money out of his Navy Federal Credit Union accounts. As stated previously, during the week of December 26, 2016, an unknown person transferred money in and out of WILDES Capital One savings and checking accounts (36023569608 and 36015953248).

30. Based on the facts outlined above, I submit there is probable cause to believe that WILDES and others, within the Eastern District of Virginia and elsewhere, are involved in a conspiracy to distribute crystal methamphetamine, in violation of Title 21, United States Code, Sections 841(a)(1) and 846. Further, because WILDES had no reported income since the fourth quarter of 2014, I submit there is probable cause to believe that WILDES or others have

deposited proceeds of the specified unlawful activity in Capital One Bank accounts: 36023569608 and 36015953248.

31. Wherefore, pursuant to 21 U.S.C. § 881(a)(6) of the Federal Rules of Criminal Procedure, I respectfully request a warrant to seize all funds in Capital One Bank accounts 36023569608 and 36015953248, both accounts are in the name of Robert Mason Wildes, because these accounts contain proceeds traceable to unlawful sales of methamphetamine. Further, because the acts giving rise to forfeiture occurred within the Eastern District of Virginia, this Court may issue a seizure warrant for the bank account funds pursuant to 28 U.S.C. § 1355(b)(1)(A), as authorized by 18 U.S.C. § 981(b)(3), which is incorporated in 21 U.S.C. § 881(b).

Kendrah Peterson
Special Agent
Drug Enforcement Administration

Subscribed and sworn to before me this 3rd day of January 2017.

/s/
Ivan D. Davis
United States Magistrate Judge